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## REMARKS

Claims 1-28 are pending in the present application. Reconsideration of the claims is respectfully requested.

### I. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 1-3, 5-7, and 9-28 under 35 U.S.C. § 103(a) as being unpatentable over *Beswick* et al. U.S. Patent 6,480,580 in view of *Meltzer* et al. U.S. Patent 6,226,675. Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Beswick* and *Meltzer* et al. in view of *Sopko*, U.S. Patent 6,003,068. Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Beswick* and *Meltzer* et al. in view of *Koperda* U.S. Patent 5,790,806. These rejections are respectfully traversed.

As per claim 1, which is representative of the other rejected claims, the Office Action states:

> Referring to claims Referring to claims 1, 11, 15, 19, 23, 25, and 27, Beswick Referring to claims Referring to claims 1, 11, 15, 19, 23, 25, Beswick discloses a hub (102 of fig. 1); and a plurality of computing devices (104n of fig. 1) in physical proximity with the hub (fig. 1); wherein each of the plurality of computing devices communicates with the hub via a wireless connection (col. 3, lines 63 through col. 4, lines 5); the hub receives and retransmits requested documents between selected computing devices (col. 4, lines 25-34); however, Beswick reference fail to disclose each of the plurality of computing devices translates each requested document into a system independent language prior to transmitting the requested document to the hub; and each of the plurality of computing devices translates each received document from the hub.
>
> Meltzer reference disclose each of the plurality of computing devices translates each requested document into a system independent language (ex: xml to java) prior to transmitting the requested document to the hub (ex: Router) (fig. 12; col. 78, lines 44-60); and each of the plurality of computing devices translates (ex: java to xml) each received document from the hub (router).
>
> It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Meltzer's teaching into Bestwick's method to translates each requested document into a system independent language before sending and receiving from the hub; because by translating the document to the dependent language it will be allowed companies exchange information and services using self-defining,

machine-readable documents, such as XML based documents, that can be easily understood amongst the partners.

*A. Burden*

The Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The Examiner has failed to meet that burden for the following reasons.

*B. The prior art fails to teach or suggest the invention as a whole*

A prima facie case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 1-3 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. MPEP § 2141.02, *citing Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

*Beswick* and *Meltzer*, the references cited by the Examiner in rejecting the present independent claims, neither teach nor suggest the claimed invention as a whole. While these references may teach or suggest some individual features of the claimed invention, these references do so in an isolated manner that would not suggest the presently claimed invention *as a whole* to one of ordinary skill in the art. *Beswick* is directed to a user addressable computer telephony system. The Examiner has cited passages from *Beswick* that suggest that portable computers or PDAs may be used in the context of the *Beswick* invention to perform computer-based telephony through a wireless hub:

> FIG. 1 is a block diagram depicting a computer telephony system 100 that is arranged to provide voice and/or data communications to a plurality of local users. In order to accomplish this task, computer telephony system 100 includes a hub 102 that is arranged to provide telephony functions to a plurality of users through devices 104a-n. As depicted, hub 102 is depicted as providing wireless communications to a plurality of users, through devices 104a-n. Although not shown, hub 102 can also be arranged to

support wired communications to other devices. [col. 3, line 63 – col. 4, line 5].

> Devices 104a-n can include any type of communication device that is configured for accessing a computer telephony system. By way of example, device 104a can be a wireless telephone or pager type of device, device 104b can be a modem-configured computing device such as a portable computer or personal digital assistant type of device. Devices 104a-n are typically configured to transmit and receive (i.e., exchange) information in the form of either analog or digital data through hub 104, lines 108 and the various resources provided by external network 106. [col. 4, lines 25-34].

*Beswick*, however, neither teaches nor suggests transmitting documents through the wireless hub. While it is true that *Beswick* mentions that voice and/or data communications may be transmitted through the computer telephony system, there is nothing in *Beswick* to indicate using the computer telephony system to transmit documents. On the contrary, *Beswick* seems to suggest that the "data" to be transmitted over the disclosed computer telephony system may be real-time data (such as real-time text or "chat") that can be converted into speech. For example, consider the below excerpt from *Beswick*:

> FIG. 3 depicts relevant portions of an exemplary telephony application 218 that is configured to operate substantially within processor 200. Application 218 is configured with a dynamic allocation map 300, which is accessible through a user interface 302. User interface 302 includes an automatic voice recognition (ASR) engine 304, a text-to-speech (TTS) engine 306 and a graphical user interface (GUI) 308. ASR 304 is configured to receive user inputs, for example, voice or keypad inputs from devices 104 or line 106 (via base station 216, etc.). The received voice or keypad inputs are then interpreted (e.g., sampled, analyzed, processed, and/or compared) within user interface 302 and by using dynamic allocation map 300. Other user inputs can be received from an input device 212, such as, for example, an operator's console, using GUI 308. TTS engine 306 is configured to support the various functions of user interface 302, for example, by providing text-to-speech outputs via either device 104 and/or output device 214. [col. 5, line 58 -- col. 6, line 8].

*Meltzer* is directed to a kind of online marketplace or trading system. While the Examiner has identified a portion of *Meltzer* that addresses translating computer-readable

documents into different formats, *Meltzer* addresses the problem of performing electronic commerce between different business entities (i.e., customers, suppliers, and other trading partners), which suggests a lack of mutual physical proximity between the communicating business entities. The rejected claims, on the other hand, specifically recite a plurality of computing devices in physical proximity with the hub.

The Examiner argues that it would be obvious to combine the teachings of these two references together so as to achieve the presently claimed invention. However, Applicants respectfully disagree. For the claimed invention to be obvious in view of a combination of references, the prior art must suggest the combination *as a whole* to one of ordinary skill in the art. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP § 2143.01, *citing In re Mills,* 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). In this case, the cited references fail to do this. Since *Beswick* is concerned with assigning users to devices in a computer telephony system utilizing a wireless hub, *Beswick* provides neither a motivation nor an incentive to include the document translation features used in *Meltzer* for performing Internet-based commercial transactions in the *Beswick* system. Conversely, since *Meltzer* is concerned with transactions between different business entities, one of ordinary skill in the art would not be motivated to implement the *Meltzer* invention as a plurality of computing devices in physical proximity to a wireless hub, as it would be inconvenient to require customers, suppliers, or other trading partners to meet physically to perform electronic business transactions. Thus, neither reference provides a motivation or incentive to produce the claimed invention in its entirety.

*C. Dependent claims*

If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Claims 2-10, 12-14, 16-18, 20-22, 24, 26, and 28 are dependent claims that depend on independent claims 1, 11, 15, 19, 23, 25, and 27. Applicants have already demonstrated claims 1, 11, 15, 19, 23, 25, and 27 to be in condition for allowance.

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Applicants respectfully submit that claims 2-10, 12-14, 16-18, 20-22, 24, 26, and 28 are also allowable, at least by virtue of their dependency on allowable claims

For the foregoing reasons, Applicants submit that claims 1-28 are patentable over the references. Accordingly, Applicants respectfully request that claims 1-28 be allowed.

## II. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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